

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH : MDL DOCKET NO. 2782  
FLEXIBLE COMPOSITE : CIVIL ACTION NO.  
HERNIA MESH PRODUCTS : 1:17-MD-02782-RWS  
LIABILITY LITIGATION :

This document relates to:

Toni Foster

Civil Action No.:

**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate the Master Complaint in MDL No. 2782 by reference. Plaintiff(s) further show the court as follows:

1. Plaintiff Implanted with Physiomesb

Toni Foster

2. Plaintiff's Spouse (if applicable)

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint

Louisiana

\_\_\_\_\_

5. State of Residence and Citizenship at the Time of Implantation

Louisiana

\_\_\_\_\_

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

United States District Court for the District of New Jersey

\_\_\_\_\_

7. Defendants (Check Defendants against whom Complaint is made):



A. Ethicon, Inc.



B. Johnson & Johnson

8. Basis of Jurisdiction



Diversity of Citizenship (28 U.S.C. § 1332(a))



Other: \_\_\_\_\_

- A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

11-13

\_\_\_\_\_

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## B. Other allegations of jurisdiction and venue:

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9.

Date(s) Plaintiff was Implanted with Physiomesh (list date of each implant surgery, where applicable, on separate line)	Hospital(s) where Plaintiff was implanted with Physiomesh (include City and State of Hospital)	Implanting Surgeon(s)
May 11, 2016	Ochsner Medical Center, Baton Rouge, LA	Dr. Arthur H. Kim, M.D.

10. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I – Strict Product Liability – Defective Design
- ☒ Count II – Strict Product Liability – Failure to Warn
- ☒ Count III – Strict Product Liability – Manufacturing Defect
- ☒ Count IV – Negligence
- ☒ Count V – Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case)

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N.J. Stat. Ann §§ 56:8-1, et seq

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- ☒ Count VI – Gross Negligence
  - ☐ Count VII – Loss of Consortium
  - ☒ Count VIII – Punitive Damages
  - ☒ Count IX – Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal basis for Discovery Rule and Tolling below)

Despite her reasonable care and diligent investigation, Plaintiff had no actual or constructive knowledge of the defective nature of

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Physiomesb that resulted in her injuries and damages until the mesh was removed in February 2021.

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☐ Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

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☒ Jury Trial is Demanded as to All Counts

☐ Jury Trial is NOT Demanded as to Any Count

s/ Jason C. Chambers

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

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